

RESOLUTION # 2008-18

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF LAFAYETTE, INDIANA, APPROVING THE ORDER OF THE TIPPECANOE COUNTY AREA PLAN COMMISSION AMENDING THE DEVELOPMENT PLAN FOR THE CONSOLIDATED CREASY LANE ECONOMIC DEVELOPMENT AREA

WHEREAS, the Lafayette Redevelopment Commission (the “Commission”) is the governing body of the Department of Redevelopment (the “Department”) of the City of Lafayette, Indiana (the “City”) and the Lafayette Redevelopment District (the “District”), and exists and operates under the provisions of Indiana Code 36-14 and 36-7-25, *et seq.*, as amended from time to time (the “Act”); and

WHEREAS, on February 22, 1990, the Commission adopted Declaratory Resolution No. 1-1990 entitled “Declaratory Resolution of the City of Lafayette Redevelopment Commission” (the “Creasy/Brady Declaratory Resolution”) as subsequently confirmed by the Commission, following a public hearing, by the adoption of Confirmatory Resolution No. 4-1990 on April 24, 1990, establishing the Creasy Lane/Brady Lane Economic Development Area (the “Creasy/Brady Area”), designating the Creasy/Brady Area as an allocation area for purposes of Section 39 of the Act (the “Creasy/Brady Allocation Area”), and approving an economic development plan for the Creasy/Brady Area (the “Creasy/Brady Plan”); and

WHEREAS, on February 25, 1994, following a public hearing, the Commission adopted Resolution No. RC-94-3 amending the Creasy/Brady Declaratory Resolution and Creasy/Brady Plan, as subsequently approved by Common Council of the City of Lafayette, Indiana (the “Common Council”), to expand the Creasy/Brady Area and Creasy/Brady Allocation Area; and

WHEREAS, on February 22, 1990, the Commission adopted Declaratory Resolution No. 2-1990 entitled “Declaratory Resolution of the City of Lafayette Redevelopment Commission” (the “Creasy/Treece Declaratory Resolution”) as subsequently confirmed by the Commission, following a public hearing, by the adoption of Confirmatory Resolution No. 5-1990 on April 24, 1990, establishing the Creasy Lane/Treece Meadows Economic Development Area (the “Creasy/Treece Area”), designating the Creasy/Treece Area as an allocation area for purposes of Section 39 of the Act (the “Creasy/Treece Allocation Area”), and approving an economic development plan for the Creasy/Treece Area (the “Creasy/Treece Plan”); and

WHEREAS, on October 24, 1994, February 19, 2004 and April 28, 2005, the Commission, following public hearings, adopted Resolutions RC-94-14, LRC-2004-01 and LRC-2005-04, respectively, amending the Creasy/Treece Declaratory Resolution and Creasy/Treece Plan, as subsequently confirmed by Common Council, to expand the Creasy/Treece Area and Creasy/Treece Allocation Area; and

WHEREAS, on November 16, 2006, following a public hearing, the Commission adopted Resolution No. LRC-2006-25 determining, among other things, (i) to amend the Creasy /Treece Declaratory Resolution and Creasy/Treece Plan for the purpose of expanding the Creasy /Treece Area and Creasy/Treece Allocation Area; (ii) to amend the Creasy/Brady Declaratory Resolution and Creasy/Brady Plan for the purpose of expanding the Creasy/Brady Area and Creasy/Brady Allocation Area; (iii) to consolidate the Creasy/Treece Area and Creasy/Brady Area into a single economic development area (the “Consolidated Area”); (iv) to consolidate the Creasy/Treece Allocation Area and Creasy/Brady Allocation Area into a single allocation area (the “Consolidated Allocation Area”), while retaining their respective sub-allocation areas and base assessment dates for each of the aforementioned allocation areas; and (v) to amend and consolidate the Creasy/Treece Plan and the Creasy/Brady Plan into the Consolidated Creasy Lane Economic Development Plan (the “Consolidated Plan”); and

WHEREAS, on December 4, 2006, the Common Council adopted Resolution No. 2006-20 pursuant to the Act approving (i) the expansion of the Creasy/Treece Area, (ii) the expansion of the Creasy/Brady Area, (iii) the consolidation of the Creasy/Treece Area and Creasy/Brady Area, and (iv) the consolidation of the Creasy/Treece Allocation Area and Creasy/Brady Allocation Area while retaining each sub-allocation area, as set forth in the Commission Resolution LRC-2006-25, in order to permit the Commission to further proceed with the development of the Consolidated Area; and

WHEREAS, the Commission has taken all actions necessary under the Act and through the Commission’s adoption of Resolution LRC-2006-25 to establish the Consolidated Area as an economic development area within the meaning of the Act and has approved the Consolidated Plan providing specific recommendations for economic development of the Consolidated Area, including road, infrastructure and drainage improvements within the Consolidated Area and related improvements serving the Consolidated Area, as further described in the Consolidated Plan; and

WHEREAS, on June 26, 2008, following a public hearing, the Commission adopted Resolution No. LRC-2008-13 determining, among other things, to amend the Consolidated Plan to add thereto certain additional projects, as more particularly described in such Resolution; and

WHEREAS, the Commission has determined that (i) the real property and improvements thereto located on a 18+/- acre parcel at approximately 1386 Green Acres Drive, Lafayette, Indiana, commonly known as Bridgeway Apartments (the “Project”) have become blighted and a menace to the social and economic interest of the City and its citizens, and (ii) it will be of public utility and benefit to develop and redevelop the Project consistent with the provisions of the Act and utilizing the power and authority conferred upon the Commission to the end that such actions shall (1) benefit the public health, safety, morals and welfare, (2) increase the economic well-being of the City and the State of Indiana; and (3) serve to protect and increase property values within the City and the State of Indiana; and

WHEREAS, on September 25, 2008, the Commission adopted Resolution No. LRC-2008-28 (the “Amendatory Resolution”) amending the Consolidated Plan (the “Amendment”) by including the Project in the Consolidated Plan for the Consolidated Area and thereafter submitted

the Amendment to the Consolidated Plan and supporting data to the Tippecanoe County Area Plan Commission (the “Plan Commission”) for approval; and

WHEREAS, on October 15, 2008, the Plan Commission issued its written Order approving the Amendatory Resolution and Amendment to the Consolidated Plan, copies of which Amendatory Resolution and Amendment to the Consolidated Plan are attached hereto as Exhibit A; and

WHEREAS, Indiana Code 36-7-14-16(b) of the Act requires the Common Council to approve the Order of the Plan Commission; and

WHEREAS, the Order of the Plan Commission has hereby been submitted to the Common Council for approval; and

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF LAFAYETTE, INDIANA, THAT:

SECTION I. The Order of the Plan Commission, adopted on October 15, 2008, attached hereto as Exhibit B, approving the Amendment to the Consolidated Plan is in all respects approved, ratified and confirmed by the Common Council.

SECTION II. The inclusion of the Project in the Consolidated Plan as described in the Amendment to the Consolidated Plan is hereby approved by the Common Council.

SECTION III. The Clerk-Treasurer of the City of Lafayette is hereby directed to file a copy of the Amended Resolution, the Amendment to the Consolidated Plan and the Order of the Plan Commission with the permanent minutes of this meeting.

SECTION IV. This Resolution shall be in full force and effect immediately upon its adoption.

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Adopted and passed by the Common Council of the City of Lafayette, Indiana, this 3rd day of November, 2008, by a vote of 7 in favor, 0 opposed.

CITY OF LAFAYETTE INDIANA
COMMON COUNCIL

Ronald Campbell ss
President, Ronald Campbell

Cindy Murray ss

ATTEST: Cindy L. Murray, City Clerk

Presented by me to the Mayor of Lafayette, Indiana, for his approval and signature this 3rd day of November, 2008.

Cindy Murray ss
Cindy L. Murray, City Clerk

This Resolution approved and signed by me this 3rd day of November, 2008.

Tony Roswarski ss
Tony M. Roswarski, Mayor

ATTEST:

Cindy Murray ss
Cindy L. Murray, City Clerk

KD_IM-1751462_2.DOC

This Resolution prepared by John R. Kirkwood of Krieg DeVault LLP, 12800 North Meridian Street,
Suite 300, Carmel, Indiana 46032.

EXHIBIT A

RESOLUTION OF THE LAFAYETTE REDEVELOPMENT COMMISSION
AMENDING THE DEVELOPMENT PLAN FOR THE
CONSOLIDATED CREASY LANE ECONOMIC DEVELOPMENT AREA

RESOLUTION NO. LRC 2008-30

**RESOLUTION OF THE
LAFAYETTE REDEVELOPMENT COMMISSION
AMENDING THE DEVELOPMENT PLAN
FOR THE CONSOLIDATED CREASY LANE ECONOMIC DEVELOPMENT AREA**

WHEREAS, the Lafayette Redevelopment Commission (the "Commission") is the governing body of the Department of Redevelopment (the "Department") of the City of Lafayette, Indiana (the "City") and the Lafayette Redevelopment District (the "District"), and exists and operates under the provisions of Indiana Code 36-14 and 36-7-25, *et seq.*, as amended from time to time (the "Act"); and

WHEREAS, on February 22, 1990, the Commission adopted Declaratory Resolution No. 1-1990 entitled "Declaratory Resolution of the City of Lafayette Redevelopment Commission" (the "Creasy/Brady Declaratory Resolution") as subsequently confirmed by the Commission, following a public hearing, by the adoption of Confirmatory Resolution No. 4-1990 on April 24, 1990, establishing the Creasy Lane/Brady Lane Economic Development Area (the "Creasy/Brady Area"), designating the Creasy/Brady Area as an allocation area for purposes of Section 39 of the Act (the "Creasy/Brady Allocation Area"), and approving an economic development plan for the Creasy/Brady Area (the "Creasy/Brady Plan"); and

WHEREAS, on February 25, 1994, following a public hearing, the Commission adopted Resolution No. RC-94-3 amending the Creasy/Brady Declaratory Resolution and Creasy/Brady Plan, as subsequently confirmed by Common Council of the City of Lafayette, Indiana (the "Common Council"), to expand the Creasy/Brady Area and Creasy/Brady Allocation Area; and

WHEREAS, on February 22, 1990, the Commission adopted Declaratory Resolution No. 2-1990 entitled "Declaratory Resolution of the City of Lafayette Redevelopment Commission" (the "Creasy/Treece Declaratory Resolution") as subsequently confirmed by the Commission, following a public hearing, by the adoption of Confirmatory Resolution No. 5-1990 on April 24, 1990, establishing the Creasy Lane/Treece Meadows Economic Development Area (the "Creasy/Treece Area"), designating the Creasy/Treece Area as an allocation area for purposes of Section 39 of the Act (the "Creasy/Treece Allocation Area"), and approving an economic development plan for the Creasy/Treece Area (the "Creasy/Treece Plan"); and

WHEREAS, on October 24, 1994, February 19, 2004 and April 28, 2005, the Commission, following public hearings, adopted Resolutions RC-94-14, LRC-2004-01 and LRC-2005-04, respectively, amending the Creasy/Treece Declaratory Resolution and Creasy/Treece Plan, as subsequently confirmed by Common Council, to expand the Creasy/Treece Area and Creasy/Treece Allocation Area; and

WHEREAS, on November 16, 2006, following a public hearing, the Commission adopted Resolution No. LRC-2006-25 determining, among other things, (i) to amend the Creasy /Treece Declaratory Resolution and Creasy/Treece Plan for the purpose of expanding the Creasy /Treece Area and Creasy/Treece Allocation Area; (ii) to amend the Creasy/Brady Declaratory Resolution and Creasy/Brady Plan for the purpose of expanding the Creasy/Brady Area and Creasy/Brady Allocation Area; (iii) to consolidate the Creasy/Treece Area and Creasy/Brady Area into a single economic development area (the "Consolidated Area"); (iv) to consolidate the Creasy/Treece Allocation Area and Creasy/Brady Allocation Area into a single allocation area (the "Consolidated Allocation Area"), while retaining their respective sub-allocation areas and base assessment dates for each of the aforementioned allocation areas; and (v) to amend and consolidate the Creasy/Treece Plan and the Creasy/Brady Plan into the Consolidated Creasy Lane Economic Development Plan (the "Consolidated Plan"); and

WHEREAS, on December 4, 2006, the Common Council adopted Resolution No. 2006-20 pursuant to the Act approving (i) the expansion of the Creasy/Treece Area, (ii) the expansion of the Creasy/Brady Area, (iii) the consolidation of the Creasy/Treece Area and Creasy/Brady Area, and (iv) the consolidation of the Creasy/Treece Allocation Area and Creasy/Brady Allocation Area while retaining each sub-allocation area, as set forth in the Commission Resolution LRC-2006-25, in order to permit the Commission to further proceed with the development of the Consolidated Area; and

WHEREAS, the Commission has taken all actions necessary under the Act and through the Commission's adoption of Resolution LRC-2006-25 to establish the Consolidated Area as an economic development area within the meaning of the Act and has approved the Consolidated Plan providing specific recommendations for economic development of the Consolidated Area, including road, infrastructure and drainage improvements within the Consolidated Area and related improvements serving the Consolidated Area, as further described in the Consolidated Plan; and

WHEREAS, on June 26, 2008, following a public hearing, the Commission adopted Resolution No. LRC-2008-13 determining, among other things, to amend the Consolidated Plan to add thereto certain additional projects, as more particularly described in such Resolution; and

WHEREAS, the Commission has determined that (i) the real property and improvements thereto located on a 18+/- acre parcel at approximately 1386 Green Acres Drive, Lafayette, Indiana, commonly known as Bridgeway Apartments (the "Project") have become blighted and a menace to the social and economic interest of the City and its citizens, and (ii) it will be of public utility and benefit to develop and redevelop the Project consistent with the provisions of the Act and utilizing the power and authority conferred upon the Commission to the end that such actions shall (1) benefit the public health, safety, morals and welfare, (2) increase the economic well-being of the City and the State of Indiana; and (3) serve to protect and increase property values within the City and the State of Indiana; and

WHEREAS, the Creasy/Treece Area, as amended, and the Creasy/Brady Area, as amended, were originally created as economic development areas within the meaning of Section 41 of the Act and, based upon the blight which has fallen upon the Project, the Commission now

desires to designate the Project and the land upon which it is situated, as described in Exhibit A hereto, as an “area needing redevelopment” and a “redevelopment project area” within the meaning of Section 15 of the Act; and

WHEREAS, the Commission proposes to amend the Consolidated Plan, as described in Exhibit A, to add the Project to the Consolidated Plan as shown on the maps in Exhibit B hereto, as the addition of the Project to the Consolidated Plan will assist the Commission in implementing the Consolidated Plan and add the Project to the list of economic development area projects, areas needing redevelopment and redevelopment project areas in the Consolidated Area (the “Amendment”); and

WHEREAS, the Project is located within the Consolidated Area and the boundaries of the Consolidated Area need not be changed or increased as a result of the addition of the Project to the Consolidated Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE REDEVELOPMENT COMMISSION THAT:

1. The Commission has considered the evidence presented and hereby makes the following findings:

- a. the boundaries of the Consolidated Area are not enlarged as a result of the Amendment of the Consolidated Plan; and
- b. (i) the Project and the land upon which it is situated, as described in Exhibit A hereto, is an area needing redevelopment, (ii) the conditions described in Indiana Code 36-7-1-3 cannot be corrected in the area of the Project by regulatory processes or the ordinary operations of private enterprise without resort to the Act, and (iii) the public health and welfare will be benefitted by the acquisition and redevelopment of the Project and the land upon which is situated, as described in Exhibit A hereto, under the Act as a redevelopment project area; and
- c. the Amendment to the Consolidated Plan is reasonable and appropriate when considered in relation to the original Consolidated Plan and the purposes of the Act; and
- d. the Consolidated Plan, as amended by the Amendment, conforms to the comprehensive plan for the City.

2. The Commission hereby approves and adopts the Amendment to the Consolidated Plan to add the Project as described in Exhibit A and as shown on the maps in Exhibit B hereto and declares the Project and the land upon which it is situated to be a redevelopment project area within the meaning of the Act.

3. The Commission may exercise its authority pursuant to the Act, including but not limited to acquiring the Project by purchase or by eminent domain, including any personal property or interests in the real property needed for the development and redevelopment of such area, may hold, use, sell, exchange, lease, rent, or otherwise dispose of the Project following its acquisition, may clear such real property and inspect, investigate and assess the existence, source, nature and extent of any environmental contamination, including the remediation thereof, all for the purposes hereinabove set forth.

4. In all other respects, the Consolidated Plan, as amended by the Amendment, shall remain in full force and effect.


5. This Resolution shall be submitted to the Tippecanoe County Area Plan Commission (the "Plan Commission") for its approval of the Amendment to the Consolidated Plan pursuant to Section 16(a) of the Act, whereby upon written approval by the Plan Commission, the Plan Commission's order approving and adding the Project into the Consolidated Plan shall be submitted to the Common Council for approval pursuant to Section 16(b) of the Act.


6. If and when this Resolution shall be approved by the Plan Commission and the Common Council as described in Section 5 hereof, the Commission shall publish notice of adoption and substance of this Resolution in accordance with Indiana Code 5-3-1 and, the Commission shall then take final action determining the public utility and benefit of this Resolution in full compliance with Section 17 and 17.5 of the Act, and either confirm, modify and confirm or rescind this Resolution.

7. This Resolution shall be effective upon its adoption and passage.

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ADOPTED AND PASSED THIS 25th DAY OF SEPTEMBER, 2008,
BY A VOTE OF ____ IN FAVOR AND ____ OPPOSED, BY THE
LAFAYETTE REDEVELOPMENT COMMISSION, LAFAYETTE, INDIANA.

By: 
John Thieme, Jr.

By: 
Donald J. Teder

By: 
Jim Terry

By: _____
Bea Jeffries

By: _____
Jos N. Holman

Attest:

Jos N. Holman, Secretary

This Resolution prepared by John R. Kirkwood of Krieg DeVault LLP, 12800 North Meridian Street,
Suite 300, Carmel, Indiana 46032.

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EXHIBIT A

DESCRIPTION OF ECONOMIC DEVELOPMENT PROJECTS AND AREAS NEEDING REDEVELOPMENT FOR THE CONSOLIDATED CREASY LANE ECONOMIC DEVELOPMENT PLAN

Project Description

Phase I – Preliminary Engineering

Phase II – Right of Way Acquisition

Phase III – Construction

Future Development

Future development activities that have been identified include the acquisition of real property, construction of new public facilities, and other appropriate projects. Said activities will be incorporated in this Plan by amendment.

1. Private Improvements/Investment

- a. Rohrman Acres: Construction of two new automobile dealership locations and a strip retail development along SR 26. This development will consist of seven commercial lots on about 16 acres.
- b. Wal-Mart/Sam's Wholesale Club: Construction of a new shopping center containing four major buildings with a 2,460 car parking lot. Investment estimates at \$12.0 million. This development will provide employment opportunities for about 240 people.
- c. Theatre Acres: Construction of a \$2.0 million theater complex by Goodrich Quality Theatres, inc. with three FT, 35 PT employees. Also involves construction of a \$1.0 million Pizza Hut restaurant and other retail shops.
- d. Eastway Plaza: Construction of Phase 3 of a commercial strip center. Investment estimated at \$300,000.
- e. Dimension Cable Services: Construction of new office facility along Creasy Lane. Investment estimated at \$800,000.
- f. 18+/- acre parcel located at approximately 1386 Green Acres Drive, Lafayette, Indiana (site of Bridgeway Apartments) which the City and Commission will propose be rezoned as a planned unit development (PUD) following demolition of existing improvements. The City and Commission will support redevelopment of the site utilizing (i) lower density housing, such as senior housing or market rate rentals or (ii) single family-owner occupied townhomes, duplexes or condominiums, as well as other mixed uses with some commercial or retail that would serve the site, the community and tenant/homeowners, such as community centers, clubhouses or other similar facilities. The City and the Commission anticipate soliciting proposals for the foregoing, which must also include

investment in public facilities and infrastructure, as well as public amenities such as parks, trails, sidewalks, green space, landscaping and other public improvements. The City and the Commission will not consider proposals that would (i) reuse current structures and buildings, (ii) develop high-density multi-family housing, such as low income housing, or student housing, or (iii) seek to develop commercial or industrial facilities.*

List of Economic Development Area Projects and Areas Needing Redevelopment

1. Public Improvements
 - a. Street Improvements: McCarty Lane, Creasy Lane and others.
 - b. Expansion, extension of public improvements, including sanitary and storm sewers, storm drainage, and water supply.
 - c. Improvements to public recreation and park facilities.
2. Construction of an extension of Creasy Lane from State Highway 38 to Brady Lane and appurtenances thereto, including appropriate improvements to the intersections created with State Highway 38 and U.S. Highway 52, a bridge across the Elliot Ditch, and improvements to and relocation of the Branch 13 Regional Drainage Channel.
3. Closure of the existing ingress and egress to Tippecanoe Mall Regional Shopping Center; construction of a new ingress and egress to Tippecanoe Mall Regional Shopping Center.
4. Construction of Maple Point Drive and appurtenances thereto between State Highway 38 and U.S. Highway 52, including appropriate improvements to the intersections created with State Highway 38 and U.S. 52, and construction of necessary utilities with the right-of-way of Maple Point Drive.
5. Closure of the existing intersection of Ross Road and State Highway 38, and construction of an outlet for Ross Road and appurtenances thereto to Maple Point Drive.
6. Relocation of approximately 2,000 linear feet of existing sanitary sewer interceptor line between State Highway 38 and U.S. Highway 52.
7. Relocation of the Wilson Branch Regional Drainage Channel between Ross Road and U.S. Highway 52, including construction of regional storm water detention pond facility.
9. General median maintenance including, but not limited to, mowing and landscaping.

* The real property located at approximately 1386 Green Acres Drive, Lafayette, Indiana upon which Bridgeway Apartments is situated is the only area within the Consolidated Creasy Lane Economic Development Area that has been designated by the Redevelopment Commission as an "area needing redevelopment" and a "redevelopment project area" within the meaning of Section 15 of the Act.

10. The signalization of the intersection of McCarty Lane and 500 E.
11. The construction of an extension of Maple Point Drive and appurtenances thereto between U.S. Highway 52 and Concord Road, including appropriate improvements to the intersections created with U.S. Highway 52 and Concord Road, and construction of necessary utilities with the right-of-way of Maple Point Drive.
12. The reconstruction and widening of CR 350 S from 9th Street to Concord Road.
13. The acquisition and demolition of Bridgeway Apartments located on 18+/- acre parcel at approximately 1386 Green Acres Drive, Lafayette, Indiana, including (i) environmental assessment or remediation, (ii) infrastructure improvements, such as water, sewer, drainage, roads/streets, sidewalks/curves, telecommunications, landscaping, lighting, signage, traffic signals and related items and other improvements, (iii) walking/biking trails and park improvements, (iv) relocation of existing utilities, as needed, and (v) public amenities, such as school and public transportation shelters, areas, community centers and rooms and parking facilities, as needed.*
14. The reimbursement of public and private entities for expenses incurred in training employees of industrial facilities that are located in the allocation area and on a parcel of real property that has been classified as industrial property under the rules of the Department of Local Government Finance.
15. Equipment, facilities, relocation and other expenses to support job creation, economic and business development.
16. Comprehensive parking, transportation and development plans for the Area, including feasibility studies of specific sites.
17. Support of and improvements to public transportation.
18. Identification of other redevelopment opportunities and develop plans for specific economic development/redevelopment projects, including those involving acquisition of property and construction.
19. Acquisition of real property, if necessary.
20. Infrastructure improvements for redevelopment or economic development purposes, including, but not limited to, streets, roads, water, sewer, telecommunications, parking facilities and lots, and other utility or infrastructure.
21. Streetscape and trail way improvements including, but not limited to, sidewalks, lighting, trails, banners, and other public amenities.
22. Development and/or improvements to commercial, residential and public facilities including, but not limited to, private and public facilities and recreational facilities.

23. Façade and Interior Building Improvements Program
24. Design, manufacture and installation of wayfinding and other signage.
25. Establish and implement site guidelines for new development.
26. Develop and implement architectural and sign review ordinance.
27. Security for the Area and events.
28. Snow removal.
29. Brownfield assessment and remediation.

Except as expressly amended hereby, the Plan, as previously amended, shall remain in full force and effect.

EXHIBIT B

**MAP OF CONSOLIDATED CREASY LANE ECONOMIC DEVELOPMENT AREA
AND AREAS DEVOTED TO PUBLIC PURPOSES**

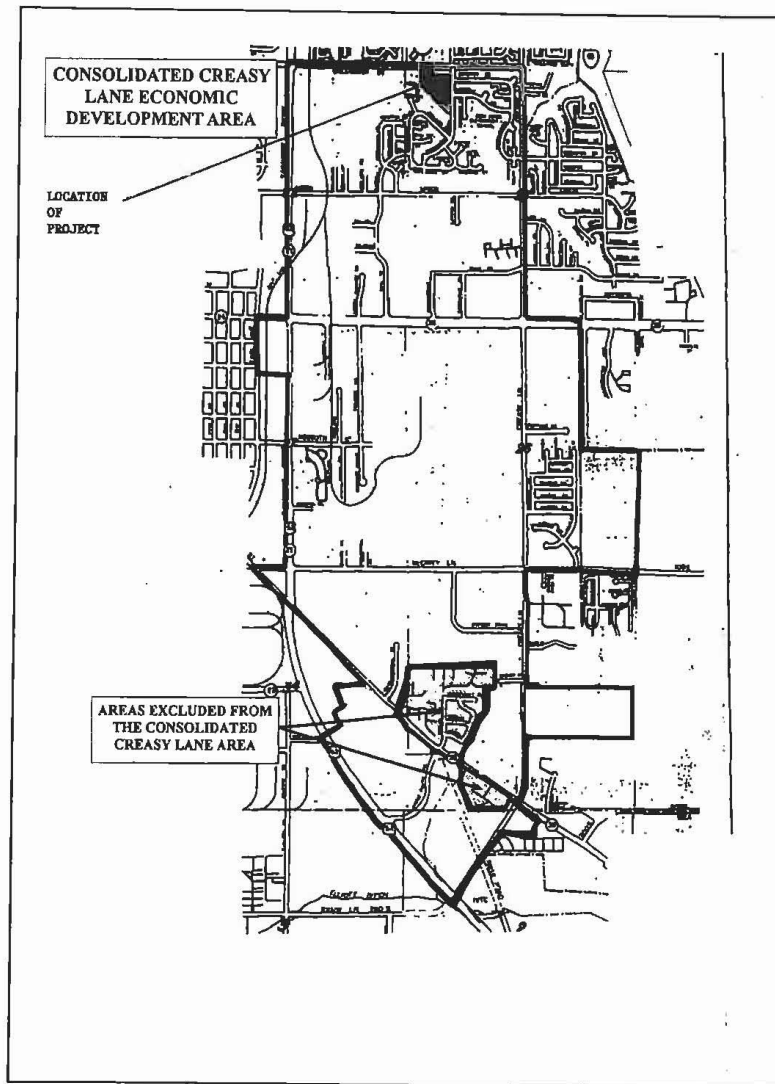


EXHIBIT B

ORDER OF THE TIPPECANOE COUNTY AREA PLAN COMMISSION
APPROVING THE AMENDMENT OF THE CONSOLIDATED CREASY
ECONOMIC DEVELOPMENT PLAN FOR THE
CONSOLIDATED CREASY LANE ECONOMIC DEVELOPMENT AREA

AREA PLAN COMMISSION ORDER NO. 08-02

**ORDER OF THE TIPPECANOE COUNTY AREA PLAN COMMISSION
APPROVING THE AMENDMENT OF THE CONSOLIDATED CREASY LANE
ECONOMIC DEVELOPMENT PLAN FOR THE CONSOLIDATED CREASY LANE
ECONOMIC DEVELOPMENT AREA**

WHEREAS, on November 16, 2006, the Redevelopment Commission (the "Redevelopment Commission") of the City of Lafayette, Indiana (the "City"), following a public hearing, adopted Resolution No. LRC-2006-25 determining, among other things, (i) to amend the Creasy /Treece Declaratory Resolution and Creasy/Treece Plan for the purpose of expanding the Creasy /Treece Area and Creasy/Treece Allocation Area; (ii) to amend the Creasy/Brady Declaratory Resolution and Creasy/Brady Plan for the purpose of expanding the Creasy/Brady Area and Creasy/Brady Allocation Area; (iii) to consolidate the Creasy/Treece Area and Creasy/Brady Area into a single economic development area (the "Consolidated Area"); (iv) to consolidate the Creasy/Treece Allocation Area and Creasy/Brady Allocation Area into a single allocation area (the "Consolidated Allocation Area"), while retaining their respective sub-allocation areas and base assessment dates for each of the aforementioned allocation areas; and (v) to amend and consolidate the Creasy/Treece Plan and the Creasy/Brady Plan into the Consolidated Creasy Lane Economic Development Plan (the "Consolidated Plan"), pursuant to Indiana Code 36-7-14 and 36-7-25 *et seq.*, and all acts supplemental and amendatory thereto (collectively, the "Act"); and

WHEREAS, on December 4, 2006, the Common Council adopted Resolution No. 2006-20, pursuant to the Act, approving (i) the expansion of the Creasy/Treece Area, (ii) the expansion of the Creasy/Brady Area, (iii) the consolidation of the Creasy/Treece Area and Creasy/Brady Area, and (iv) the consolidation of the Creasy/Treece Allocation Area and Creasy/Brady Allocation Area while retaining each as a sub-allocation area, as set forth in the Redevelopment Commission Resolution LRC-2006-25, in order to permit the Redevelopment Commission to further proceed with the development of the Consolidated Area; and

WHEREAS, the Redevelopment Commission has taken all actions necessary under the Act and through the Commission's adoption of Resolution LRC-2006-25 to establish the Consolidated Area as an economic development area within the meaning of the Act and has approved the Consolidated Plan providing specific recommendations for economic development of the Consolidated Area, including road, infrastructure and drainage improvements within the Consolidated Area and related improvements serving the Consolidated Area, as further described in the Consolidated Plan; and

WHEREAS, on June 26, 2008, following a public hearing, the Redevelopment Commission adopted Resolution No. LRC-2008-13 determining, among other things, to amend the Consolidated Plan to add thereto certain additional projects, as more particularly described in such Resolution; and

WHEREAS, on September 25, 2008, the Redevelopment Commission adopted Resolution No. LRC-2008-30 (the "Amendatory Resolution") approving an amendment to the

October 15, 2008

Plan Commission Order _____
Approval of Amended Consolidated Plan

Consolidated Plan for the Consolidated Area to acquire, demolish and redevelop real property and improvements thereto located on an 18+/- acre parcel at approximately 1386 Green Acres Drive, Lafayette, Indiana, commonly known as Bridgeway Apartments (the "Project"), and to include the Project within the Consolidated Plan (the "Amendment"); and

WHEREAS, Section 16(a) of the Act provides that following adoption of a resolution by the Redevelopment Commission that designates a redevelopment project area or amends a resolution or plan for an existing area, the Redevelopment Commission shall submit the resolution and supporting data to the Plan Commission of the unit, being the Tippecanoe County Area Plan Commission (the "Plan Commission") and the Plan Commission may determine whether the Amendatory Resolution and the Amendment conform to the plan of development for the unit and approve or disapprove the Amendatory Resolution and the Amendment; and

WHEREAS, the determination of the Plan Commission pursuant to Section 16(a) of the Act does not and shall not constitute a change in the current zoning or a variance thereof or the approval of any future use of the site of the Project and, any rezoning, variance or other use of the site of the Project is subject to all applicable laws and ordinances regarding zoning, variance and land use; and

WHEREAS, after being fully advised in the matter,

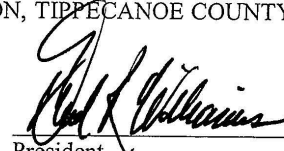
NOW, THEREFORE, BE IT ORDERED BY THE TIPPECANOE COUNTY AREA PLAN COMMISSION, AS FOLLOWS:

SECTION I. The Amendment to the Consolidated Plan for the Consolidated Area conforms to the Comprehensive Plan of development for the City.

SECTION II. The Consolidated Plan, as amended, is in all respects approved, ratified and confirmed.

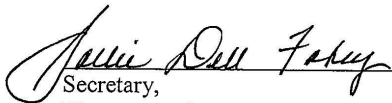
SECTION III. The Secretary of the Plan Commission is hereby directed to file a copy of the Amendatory Resolution and the Consolidated Plan with the permanent minutes of this meeting.

PASSED THIS 15th DAY OF OCTOBER, 2008, BY THE TIPPECANOE
COUNTY AREA PLAN COMMISSION, TIPPECANOE COUNTY, INDIANA.



President,
Tippecanoe County Area Plan Commission

ATTEST:



Secretary,
Tippecanoe County Area Plan Commission

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